

CLAUSE I-128 – SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (August 2002)

(a) Definitions:

“Commercial Item” as used in this clause has the meaning contained in the clause at 52.202-1, Definitions.

“Subcontract”, as used in this clause, includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Subcontractor or subcontractor at any tier.

- (b) To the maximum extent practicable, the Subcontractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or nondevelopmental items as components of items to be supplied under this subcontract.
- (c) Notwithstanding any other clause of this subcontract, the Subcontractor is not required to include any FAR provision or clause, other than those listed below to the extent they are applicable and as may be required to establish the reasonableness of prices under Part 15, in a subcontract at any tier for commercial items or commercial components:
- (1) 52.222-26 – Equal Opportunity (E.O. 11246)
  - (2) 52.222-35 – Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212(a));
  - (3) 52.222-36 – Affirmative Action for Handicapped Workers (29.U.S.C. 793); and
  - (4) 52.247-64 – Preference for Privately-Owned U.S. Flagged Commercial Vessels (46 U.S.C. 1241) (flowdown not required for subcontracts awarded beginning May 1, 1996).
- (d) The Subcontractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this subcontract.